

APR 03 2010

Board of Vocational Nursing  
and Psychiatric Technicians

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BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2008-251

**RINA SUZANN BOIVIN, A.K.A.  
RINA SUZANN HOSP  
250 Shirley Lane  
Orcutt, CA 93455  
Psychiatric Technician License  
No. PT 30003**

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

**Psychiatric Technician License**

2. On or about August 18, 1997, the Board issued Psychiatric Technician License Number PT 30003 to Rina Suzann Boivin, also known as Rina Suzann Hosp ("Respondent"). The psychiatric technician license was in full force and effect at all times relevant to the charges brought herein and expired on November 30, 2008.

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## STATUTORY PROVISIONS

3. Section 4520 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with Code section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Bureau may renew an expired license at any time within four years after the expiration.

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

(4) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022 .

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

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1 **COST RECOVERY**

2 6. Code section 125.3 provides, in pertinent part, that a Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 7. Respondent is subject to disciplinary action pursuant to Code section 4521,  
9 subdivision (f), on the grounds of unprofessional conduct, in that Respondent was convicted of  
10 crimes substantially related to the qualifications, functions, and duties of a licensed psychiatric  
11 technician, as follows:

12 a. On May 28, 2008, in the Superior Court, County of Santa Barbara, California, in the  
13 matter entitled *People vs. Rina Susann Boivin, aka Rina Suzann Hosp*, (2008), Case No. 1281072,  
14 Respondent was convicted by the court following her plea of no contest to a violation of Health  
15 and Safety Code section 11550, subdivision (a) (under the influence of a controlled substance, to  
16 wit, Methamphetamine), a misdemeanor. The circumstances of the crime are that Respondent  
17 was arrested for being under the influence of controlled substance. Respondent submitted to a  
18 drug screening, which was positive for the controlled substance Methamphetamine. On or about  
19 July 14, 2008, Respondent appeared in the same court again for violating her probation. The  
20 court revoked her probation and reinstated her probation; however, she was sentenced to 90 days  
21 in the Santa Barbara County Jail.

22 b. On May 28, 2008, in the Superior Court, County of Santa Barbara, California, in the  
23 matter entitled *People vs. Rina Susann Boivin, aka Rina Suzann Hosp*, (2008), Case No. 1282257,  
24 Respondent was convicted by the court following her plea of no contest to a violation of Penal  
25 Code section 647, subdivision (f) (public intoxication), a misdemeanor. The circumstances of the  
26 crime are that Respondent was arrested for being in a public place while under the influence of  
27 intoxicating liquor, in such a condition that she was unable to exercise care for her own safety and  
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1 the safety of others and interfered with, obstructed, and prevented the free use of a street,  
2 sidewalk, or other public way.

3 c. On November 9, 2009, in the Superior Court, County of Santa Barbara, California, in  
4 the matter entitled *People vs. Rina Susann Boivin, aka Rina Suzann Hosp*, (2009), Case No.  
5 1312958, Respondent was convicted by the court following her plea of no contest to a violation of  
6 Health and Safety Code section 11550, subdivision (a) (under the influence of a controlled  
7 substance, to wit, Methamphetamine), a misdemeanor. The circumstances of the crime are that  
8 Respondent was arrested for being under the influence of controlled substance.

9 d. On November 9, 2009, in the Superior Court, County of Santa Barbara, California, in  
10 the matter entitled *People vs. Rina Susann Boivin, aka Rina Suzann Hosp*, (2009), Case No.  
11 1312952, Respondent was convicted by the court following her plea of no contest to a violation of  
12 Penal Code 148 subdivision (a)(1) (Resisting, Delaying, or Obstructing Officer), a misdemeanor.  
13 The circumstances of the crime are that Respondent was arrested for willfully and unlawfully  
14 resist, delay and obstruct a Police Officer.

### 15 **SECOND CAUSE FOR DISCIPLINE**

#### 16 **(Conviction of a Crime Involving a Controlled Substance and/or Alcohol)**

17 8. Respondent is subject to disciplinary action pursuant to Code section 4521,  
18 subdivision (a)(6), on the grounds of unprofessional conduct, in that Respondent has been  
19 convicted of a crime involving the controlled substance Methamphetamine.

### 20 **THIRD CAUSE FOR DISCIPLINE**

#### 21 **(Self-Administration of the Controlled Substance Methamphetamine)**

22 9. Respondent is subject to disciplinary action pursuant to Code section 4521,  
23 subdivision (a)(4), on the grounds of unprofessional conduct, in that on or about February 8,  
24 2008, June 22, 2009 and August 13, 2009, Respondent self-administered the controlled substance  
25 Methamphetamine.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Use the Controlled Substance Methamphetamine to an Extent or in a**  
3 **Manner Dangerous or Injurious to Herself)**

4 10. Respondent is subject to disciplinary action pursuant to Code section 4521,  
5 subdivision (a)(5), on the grounds of unprofessional conduct, in that on or about February 8,  
6 2008, June 22, 2009 and August 13, 2009, Respondent used the controlled substance  
7 Methamphetamine to an extent or in a manner dangerous or injurious to herself or others, as more  
8 particularly set forth in paragraph 7, above.

9 **MATTERS IN AGGRAVATION**

10 11. On December 14, 2005, in the Superior Court, County of Santa Barbara, California,  
11 in the matter entitled *People vs. Rina Suzann Boivin*, (2005), Case No. 1179741, Respondent was  
12 convicted by the court following her plea of nolo contendere to a violation of Welfare &  
13 Institutions Code section 10980(c)(2) (aid by misrepresentation), a misdemeanor. The  
14 circumstances of the crime are that between February 1, 2005 and March 31, 2005, Respondent  
15 unlawfully and by means of false statements, representations, impersonation, or other fraudulent  
16 device, obtained and retained aid for her two children. On or about September 24, 2007, pursuant  
17 to Respondent's conduct, the Board issued Citation Number 07-0239-L to Respondent assessing a  
18 fine in the amount of \$500.

19 12. On October 23, 2001, in the Superior Court, County of Napa, California, in the matter  
20 entitled *People vs. Rina Suzann Hosp* (2001), Case No. CR106069, Respondent was convicted by  
21 the court following her plea of no contest to a violation of Vehicle Code section 23152,  
22 subdivision (b) (driving while having a 0.08% or higher blood alcohol), a misdemeanor. The  
23 circumstances of the crime are that on July 29, 2001, Respondent was arrested for driving a  
24 vehicle with a blood alcohol level of 0.08% or higher. Respondent's blood alcohol test result was  
25 .12%. On November 7, 2005, the Board sent Respondent a warning letter regarding this  
26 conviction.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 30003, issued to Rina Suzann Boivin also known as Rina Suzann Hosp;
2. Ordering Rina Suzann Boivin also known as Rina Suzann Hosp to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: April 6, 2010

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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